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U.S. Application No. 09/926,598  
Amendment

**REMARKS/ARGUMENTS**

Claims 9-10, 36-40 are pending. Claims 1-3, 5-7, 31-34 are withdrawn. Claims 9-10 are amended. New claims 36-40 are added. No new matter is added.

**Claim Rejections – 35 U.S.C. § 101**

Claims 1-3, 5-7, 9-10 and 31-34 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter under machine-or-transformation test.

**Claims 1-3, 5-7, 31-34**

The validity of machine-or-transformation test alone for determining patent-eligibility of method claim is a matter currently pending for review before the US Supreme Court (Bilski vs Doll). While the US Supreme Court decision is still pending, in the interest of expediting prosecution and without any prejudice, Applicants withdraw these claims.

**Claims 9-10**

Claims 9 and 10 are system claims. Machine-or-transformation test is



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Additional clarifications on this were later provided in the memorandum dated January 7, 2009 (see [http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski\\_guidance\\_memo.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf)). These clarifications however did not change the fact that the machine-or-transformation test is for method claims.

**Claim Rejections – 35 U.S.C. § 112**

Claims 9-10 stand rejected under 35 U.S.C. § 112, first paragraph, ostensibly for lack of enablement of means claim.

**Claim 9**

Withdraw this rejection and provide further examination. Applicants respectfully request the Examiner to

**Claim 10**

This claim does not recite any "means" language which Examiner has used as the basis for rejection. Applicants respectfully request the Examiner to withdraw this rejection and provide further examination on merit for this claim.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Respectfully submitted,

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